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COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 8

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO
ANY FORM OF DETENTION OR IMPRISONMENT

Argentina, Austria, Bulgaria, Canada, Cape Verde, Chile, Colombia, Cuba,
Denmark, Dominican Republic, Ecuador, Estonia*, Finland*, France, Hungary,
Italy, Netherlands, Nicaragua, Poland*, Republic of Korea, Senegal*,
South Africa, Sweden*, United Kingdom of Great Britain and Northern Ireland,
Uruguay and Venezuela: draft resolution

1997/... The right to restitution, compensation and rehabilitation
for victims of grave violations of human rights and
fundamental freedoms

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration
of Human Rights, the International Covenants on Human Rights, other relevant
human rights instruments and the Vienna Declaration and Programme of Action,

Reaffirming that, pursuant to internationally proclaimed human rights
principles, victims of grave violations of human rights should receive, in
appropriate cases, restitution, compensation and rehabilitation,

* In accordance with rule 69, para. 3 of the rules of procedure of the
functional commissions of the Economic and Social Council.

Considering that the question of restitution, compensation and rehabilitation of victims of grave violations of human rights and fundamental freedoms has received insufficient attention and should continue to be addressed in a more systematic and thorough way at the national and international levels,

Noting with interest the positive experience of countries that have established policies and adopted legislation for the reparation of victims of grave violations of human rights,

Reiterating its appreciation of the study on the subject prepared by the former Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Theo van Boven, contained in his final report (E/CN.4/Sub.2/1993/8),

Recalling its resolution 1994/35 of 4 March 1994 in which it expressed the hope that priority attention would be given to this question, in particular on the specific field of violations of human rights and fundamental freedoms, and regarded the proposed basic principles and guidelines contained in the study of the Special Rapporteur as a useful basis for that purpose,

Recalling also its resolution 1996/35 of 19 April 1996 in which it requested States to provide information to the Secretary-General about legislation already adopted, as well as that in the process of being adopted, relating to the right to restitution, compensation and rehabilitation,

Taking note of the report of the Secretary-General (E/CN.4/1997/29) submitted to the Commission in compliance with its resolution 1996/35,

Also taking note of resolution 1996/28 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in which it decided to bring to the attention of the Commission on Human Rights the revised text of the basic principles and guidelines on the right to reparation for victims of [gross] violations of human rights and international humanitarian law prepared by the former Special Rapporteur Mr. Theo van Boven,

1. Calls once more upon the international community to give due attention to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights;

2. Expresses its appreciation to States that provided information on the matter to the Secretary-General, in compliance with resolution 1996/35, for their valuable contribution in this field and requests those that have not yet done so to provide information to the Secretary-General as soon as

possible on the legislation already adopted as well as that in the process of being adopted, relating to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms;

3. Expresses its appreciation to the Secretary-General for his report (E/CN.4/1997/29) and requests him to prepare an additional report on the basis of the replies he receives from States for submission to the Commission on Human Rights at its fifty-fifth session;

4. Invites the Secretary-General to request all States to submit their views and comments on the note and revised text of the basic principles and guidelines on the right to reparation for victims of [gross] violations of human rights and international humanitarian law contained in document E/CN.4/1997/104, and to prepare a report setting out such views and comments for submission to the Commission on Human Rights at its fifty-fourth session.

5. Decides to continue to examine this question at its fifty-fourth session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".